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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 UNITED STATES OF AMERICA,)

8 Plaintiff,)

9 v.)

10 COREY MARQUARDT,)

11 Defendant.)

Case No. CR07-169-RSL

**PROPOSED FINDINGS OF
FACT AND DETERMINATION
AS TO ALLEGED
VIOLATIONS OF
SUPERVISED RELEASE**

12
13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on November
15 5, 2008. The defendant appeared pursuant to a warrant issued in this case. The United States
16 was represented by Michael Scoville, and defendant was represented by Megan McCann. Also
17 present was U.S. Probation Officer Andrew Lorentzen. The proceedings were digitally recorded.

18 CONVICTION AND SENTENCE

19 Defendant was sentenced on October 12, 2007 by the Honorable Robert Lasnik for
20 distribution of a controlled substance, hydrocodone. He received four and a half months of
21 imprisonment and three years of supervision.

22 PRIOR VIOLATIONS OR MODIFICATIONS

23 On March 11, 2008, a violation report was submitted to the Court alleging defendant failed

1 to report to electronic home monitoring; an arrest warrant was issued. On April 23, 2008, the
2 Court revoked defendant's term of supervision and imposed 36 days of confinement and 3 years
3 of supervision.

4 On May 29, 2008 a report for modification was submitted to allow defendant to serve 135
5 days of home confinement and the modification was approved. On July 9, 2008 a violation report
6 alleging that defendant was using methamphetamine was issued. On July 28, 2008 a
7 supplemental report was issued for defendant's failure to comply with the home confinement
8 requirement and for drug use. On August 27, 2008, the Court sentenced defendant to 30 custody
9 and 34 months of supervision. The Court also ordered defendant to enter a residential reentry
10 center program for up to 180 days. Defendant began his third term of supervision on September
11 4, 2008

12 PRESENTLY ALLEGED VIOLATIONS AND
13 DEFENDANT'S ADMISSION OF THE VIOLATION

14 In a petition dated October 20, 2008, Supervising U.S. Probation Officer Angela McGlynn
15 alleged that defendant violated the following conditions of supervised release:

- 16 1. Using methamphetamine on or before September 6, 2008, September 7, 2008, September
17 15, 2008, and September 24, 2008 in violation of standard condition number two.
- 18 2. Failing to report for urine testing on or about October 8, 2008 and October 9, 2008, in
19 violation of the special condition requiring the defendant to report for urine testing as directed.
- 20 3. Committing the crimes of resisting arrest; vehicle prowling; malicious mischief; carrying and
21 displaying a weapon, specifically brass knuckles; and possession of burglary tools, on or about
22 October 19, 2008.

23 Defendant admitted violations 1 and 2. Violation 3 was modified to: entering pleas of guilt

1 to the crimes of resisting arrest and malicious mischief, both of which were committed on or
2 about October 19, 2008. Defendant was advised of his right to an evidentiary hearing and waived
3 any hearing as to whether the violations occurred. Defendant was informed the matter would be
4 set for a disposition hearing before Chief Judge Lasnik. Defendant stipulated to detention.

5 RECOMMENDED FINDINGS AND CONCLUSIONS

6 Based upon the foregoing, I recommend the court find that defendant has violated the
7 conditions of his supervised release as alleged above, and conduct a disposition hearing.

8 DATED this 5th day of November, 2008.

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11 BRIAN A. TSUCHIDA
United States Magistrate Judge
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